

10/90/20  
jc772 U.S. PTO

#1AA  
*[Signature]*  
Page 1 of 4

THE UNITED STATES PATENT AND TRADEMARK  
OFFICE  
REQUEST FOR FILING  
(RULE 53(b)(1))

889/77676  
02/06/01  
U.S. PTO

For Design or Utility Applications

(DO NOT USE FOR PCT)

Rule 53(b)(1) PATENT APPLICATION:

Continuation )  
application under 37 CFR 1.53(b)(1)  
 Divisional )  
application under 37 CFR 1.53(b)(1)  
of pending prior application of

Group Art Unit: 1656

Examiner: S. Houtteman

Inventor(s): FODOR et al.

Parent Appln. No.: 09 | 543,789  
Series Code ↑ | Serial No. ↑

Atty. Dkt. PM 0266873 | 1004.1E  
New M# | Client Ref

Parent Filed: April 6, 2000

This Appln. Filed: February 6, 2001

Title: IDENTIFYING A BASE IN A NUCLEIC ACID (AS AMENDED)

Hon. Commissioner of Patents  
Washington, DC 20231

Date: February 6, 2001  
(Parent Matter No. 0268401 )

Sir:

To effect the above-requested filing today:

1. Attached is a copy (which must be filed) of the prior application, including:

Abstract  
 Specification and claims (30 pages) (must be attached)  
 Drawings (must be attached if originally filed): 17 sheet(s)/set:  1 set informal;  Formal of size  A4  11"

1A. Always X one box, only:

(1)  Copy of Signed declaration or oath as originally filed in prior application attached  
(2)  NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.  This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. \_\_\_\_\_  
3. \_\_\_\_\_  
5. \_\_\_\_\_  
7. \_\_\_\_\_

2. \_\_\_\_\_  
4. \_\_\_\_\_  
6. \_\_\_\_\_  
8. \_\_\_\_\_

2.5. THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. Stephen P.A. FODOR  
3. Xianohua HUANG  
5. \_\_\_\_\_  
7. \_\_\_\_\_

2. Robert LIPSHUTZ  
4. \_\_\_\_\_  
6. \_\_\_\_\_  
8. \_\_\_\_\_

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4.  Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ (country) of

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a.  \_\_\_\_\_ (No.) Certified copy/copies attached.  
 b.  Certified copy/copies previously filed on \_\_\_\_\_ in  
     U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_  
     series code ↑     ↑ serial no.  
 c.  Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_

4. (a)  Domestic priority is claimed from \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_  
     PCT/  
 (b)  Benefit is claimed of Provisional Application No. 60/\_\_\_\_\_, filed \_\_\_\_\_.  
 5.  Prior application is assigned to Affymetrix, Inc.  
     by assignment recorded July 20, 2000 Reel 010980 Frame 0877.  
     (Date)

6.  Attached is the following number of Assignments (including original and all later successive ones by different assignors): 2 and respective new Cover Sheets. (Do NOT file old cover sheets.)  
     (Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)  
Please return the recorded Assignment to the undersigned.

7.  The power of attorney in the prior application is to Paul N. Kokulis, Reg. No. 16,773 (see attached Appointment of Associate Power of Attorney)  
     (Name and Reg. No.)  
     whose current address is as in item 8 below.

a.  Recognize as associate attorney Gary R. Tanigawa, Reg. No. 43,180  
     (Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group  
 of Pillsbury Winthrop LLP, Ninth Floor, East Tower 1100 New York Avenue, N.W.,  
 Washington, D.C. 20005-3918**

9.  Amend the specification by inserting before the first line the sentence: --This is a  
 continuation  division of Application No. 09/543,789, filed April 6, 2000, which is a  
     series code ↑     ↑ serial no.  
 continuation of 08/877,196, filed June 17, 1997; which is a continuation of U.S. Appln. No. 08/505,919, filed July 24, 1995, abandoned; which is a continuation of U.S. Appln. No. 08/082,937, filed June 25, 1993, abandoned.

10. **Small Entity Status**    is Not claimed    is claimed   (pre-filing confirmation required)  
     (No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:  
 filed in above prior application  
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof  
 (one box)  is being concurrently filed in that prior application (Use Form PAT-111).  
 (must be)  was previously filed in that prior application (Check length of prior extension).  
 (X'd)  is not necessary for copendency (Double check before X'ing this box).

12.  **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609..

13.  Attached is a Rule 103(a) Petition to Suspend Action.

14.  **PRELIMINARY AMENDMENT to be entered before fee calculation:** (Do not make amendments here except for correction of improper multiple dependencies or cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee per MPEP §§ 506 and 607; do not cancel all claims).

**FILING FEE**

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

				<b>Large/Small Entity</b>		<b>Fe Code</b>
15. Basic Filing Fee .....			Design Application	\$320/\$160		106/26
16. Basic Filing Fee .....			Utility Application	\$710/\$355	+710	101/201
17. Total Effective Claims	24	minus 20 =	4	x \$18/\$9	+72	103/203
18. Independent Claims	4	minus 3 =	1	x \$80/\$40	+80	102/202
19. If any proper multiple dependent claim (ignore improper) is present,				\$270/\$135	+0	104/204
20.				<b>Subtotal =</b>	<b>\$862</b>	
21. If "petition" box 13 above is X'd, add petition fee. ....			\$130		+0	122
21A. If box 6 above is X'd, add Assignment recording fee . . . . .			\$ 40		+80	581
22.				<b>TOTAL FILING FEE ATTACHED =</b>	<b>\$942</b>	

(carry forward to Item 31)

22A.  See NONPUBLICATION REQUEST under Rule 213(a) attached (PAT-258)

23.  ATTACHED:

24.  Preliminary Amendment attached (to be entered after assigning Appln. No.)

25.  The following PRELIMINARY AMENDMENT is to be entered after assigning Appln. No.: Please replace title of application as it appears throughout the application with "IDENTIFYING A BASE IN A NUCLEIC ACID."

26.

**ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

	<b>Claims remaining after amendment</b>	<b>Highest number previously paid for</b>	<b>Present Extra</b>	<b>Additinal Fee</b>		
			<u>Large/Small Entity</u>		<u>File Code</u>	
27.	Total Effective Claims * _____	minus ** 20 _____	= 0 _____ x \$18/\$9 =	\$ 0 _____	(103/203)	
28.	Independent Claims * _____	minus *** 3 _____	= 0 _____ x \$80/\$40 =	+ 0 _____	(102/202)	
29.	If amendment enters proper multiple dependent claim(s) into this application for the first time, add (per application) .....		\$270/\$135	+ 0 _____	(104/204)	
30.			ADDITIONAL FEE	\$ 0 _____		
31.		plus FEE from item 22 on page 3		+ 942 _____		
32.		<b>TOTAL FEE ATTACHED</b>		<b>\$ 942</b> _____		
33.	*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"					
34.	**If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space					
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space					

Our Deposit Account No. 03-3975

Our Order No. 071180

0266873

C#

M#

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Tel: (202) 861-3000  
PNK/nlh  
Atty./Sec.

By Atty: Paul N. Kokulis Reg. No. 16773  
 for Sig: Dan Foyum 03180 Fax: (202) 822-0944  
 Tel: (202) 861-3503

**NOTE No. 1:** File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments  
**NOTE No. 2:** Is extension in parent necessary for copendency? **DOUBLE CHECK** Item 11 above.  
 If yes, printout Pat-111 and head it in parent.